



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,127	09/12/2003	Joseph A. Lang	3191E-000001/COF	9072
27572	7590	09/18/2006	EXAMINER	
HARNESSE, DICKEY & PIERCE, P.L.C.			WILLIAMS, THOMAS J	
P.O. BOX 828			ART UNIT	
BLOOMFIELD HILLS, MI 48303			PAPER NUMBER	
			3683	

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/662,127	LANG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thomas J. Williams	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-31 and 37-40 is/are allowed.
- 6) ☒ Claim(s) 20,21,23,24,32,33,35 and 36 is/are rejected.
- 7) ☒ Claim(s) 22,34 and 41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Acknowledgement is made in receipt of the amendment filed June 27, 2006.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 20, 21, 23, 24, 32, 33, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,310,064 to Kazarian, Jr.

Re-claims 20, 23, 32 and 35, Kazarian, Jr. teach a car, comprising: a frame supported by a plurality of wheels; an accelerator pedal 16; a brake pedal 24 includes a unitary foot actuated portion 42; a brake system, wherein the brake pedal is moveable through a first range of motion defining an operating mode of the brake system; a brake pedal locking mechanism 12 operatively cooperating with the brake pedal to provide a single locked position (see figure 5) beyond an end of the operating stroke (see column 3 lines 42-46), the locking mechanism provides only a single

Art Unit: 3683

distinctive clicking sound caused by a sharp metal-to-metal contact in the locking mechanism (caused by the impact of latch 56 with stop tab 74, each is made from metal as indicated in the figures, see cross hatching, return spring 64 will cause latch 56 to rotate towards tab 74, as such a metal to metal noise would be created), the clicking sound will inform the operator that the brake pedal has been depressed into a position to be latched in the single locked position. However, Kazarian, Jr. fail to teach the car being a golf car.

It is noted that any car can drive on golf course and subsequently be referred to as a golf car. Furthermore, the system of Kazarian, Jr. is capable for use on any vehicle, including a golf car. As such it would have been obvious to one of ordinary to have utilized the system of Kazarian, Jr. on a traditional golf car, this is interpreted by the examiner as merely an intended use of the system.

Re-claims 21, 24, 33 and 36, the system further comprises a kickoff mechanism which couples the accelerator pedal 16 to the brake pedal locking mechanism and which actuates the brake pedal locking mechanism to unlatch the brake pedal from the locked position upon actuation of the accelerator pedal, see column 3 lines 46-48.

5. Claims 20, 23, 32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,842,364 to Oliver.

Re-claims 20, 23, 32 and 35, Oliver teaches a car, comprising: a frame 16 supported by a plurality of wheels; an accelerator pedal; a brake pedal 36 includes a unitary foot actuated portion; a brake system, wherein the brake pedal is moveable through a first range of motion defining an operating mode of the brake system; a brake pedal locking mechanism 20 operatively cooperating with the brake pedal to provide a single locked position (see figure 2) beyond an end

Art Unit: 3683

of the operating stroke, the locking mechanism provides only a single distinctive clicking sound caused by a sharp metal-to-metal contact in the locking mechanism (caused by the impact of pin 62 with guide 66, each is made from metal as indicated in the figures, see cross hatching, the spring 64 will cause pin to impact guide 66, see figure 5, and as such a metal to metal noise would be created), the clicking sound will inform the operator that the brake pedal has been depressed into a position to be latched in the single locked position. However, Oliver fails to teach the car being a golf car.

The system of Oliver is capable for use on any vehicle, including a golf car. As such it would have been obvious to one of ordinary to have utilized the system of Oliver. on a traditional golf car, this is interpreted by the examiner as merely an intended use of the system.

***Allowable Subject Matter***

6. Claims 25-31 and 37-40 are allowed.
7. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to anticipate or render obvious the brake pedal subsequently depressed beyond the locked position to unlatch the locking mechanism.
8. Claims 22, 34 and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

9. Applicant's arguments with respect to claims 20-41 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gamboni teaches a brake pedal locking mechanism.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128. The examiner can normally be reached on Tuesday from 1:00 PM to 7:00 PM and Wednesday-Friday from 6:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan, can be reached at 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/662,127

Page 6

Art Unit: 3683

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

September 14, 2006

**THOMAS J. WILLIAMS**  
**PRIMARY EXAMINER**

Thomas Williams

AU 3683

9-14-06